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THE VILLAGE OF HEBRON
BOARD OF PLANNING AND ZONING

PUBLIC HEARING

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Monday Evening Session

October 3, 2022, 6:30 p.m.

Municipal Complex

934 Main Street

Hebron, Ohio 43025

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Board of Planning and Zoning:

- Rick Stoner, Chairman
- Mike McFarland, Vice-Chairman
- Scott Jacobs, Secretary
- Jim Layton, Mayor
- Annelle Porter, Council Member

- David Moser, Esq.

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REBECCA A. GAUSE
COURT REPORTER
(740) 403-3959

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Monday Evening Session

October 3, 2022

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1 MR. STONER: All right. I'll call the
2 meeting to order. It's 6:30. Is everyone signed
3 in before we get started? Great. All right.
4 We're going to take the roll call first.

5 MR. LAYTON: Are we going to do the
6 pledge?

7 MR. STONER: Pledge first, sorry.

8 (PLEDGE OF ALLEGIANCE.)

9 MR. STONER: I'll take the roll.

10 Ms. Porter?

11 MS. PORTER: Yes.

12 MR. STONER: Mr. McFarland?

13 MR. MCFARLAND: Yes.

14 MR. STONER: Mr. Jacobs?

15 MR. JACOBS: Yes.

16 MR. STONER: Mr. Layton?

17 MR. LAYTON: Yes.

18 MR. STONER: Mr. Stoner is yes. The
19 Board acknowledges that the minutes are recorded
20 and transcribed. Do I have a motion to approve the
21 August 1, 2022, meeting minutes?

22 MS. PORTER: Yes.

1 MR. STONER: Motion made by Ms. Porter.

2 MR. JACOBS: I'll second.

3 MR. STONER: Seconded by Mr. Jacobs.

4 Any discussion? All right.

5 Ms. Porter?

6 MS. PORTER: Yes.

7 MR. STONER: Mr. McFarland?

8 MR. MCFARLAND: Abstain. I wasn't
9 present at the meeting.

10 MR. STONER: Mr. Jacobs?

11 MR. JACOBS: Yes.

12 MR. STONER: Mr. Layton?

13 MR. LAYTON: Yes.

14 MR. STONER: Mr. Stoner is a yes.

15 (MOTION APPROVED.)

16 MR. STONER: All right. We have items
17 requiring action. We had previously tabled items
18 on the agenda to reconsider Karen Bailey's
19 conditional use application for the art studio for
20 the property situated at 705 Deacon Street, Hebron,
21 Ohio, 43025. Do I have a motion to remove this
22 item from the table?

23 MR. MCFARLAND: So moved.

24 MR. STONER: Second?

25 MR. LAYTON: Second.

1 MR. STONER: All right. Roll call.

2 Ms. Porter?

3 MS. PORTER: Yes.

4 MR. STONER: Mr. McFarland?

5 MR. MCFARLAND: Yes.

6 MR. STONER: Mr. Jacobs?

7 MR. JACOBS: Yes.

8 MR. STONER: Mr. Layton?

9 MR. LAYTON: Yes.

10 MR. STONER: Mr. Stoner is yes.

11 (MOTION APPROVED.)

12 MR. STONER: The next item is if
13 Ms. Bailey's previously tabled request is removed,
14 which it was, do I have a motion to approve,
15 approve with conditions or deny the conditional use
16 application for an art studio to be operated from
17 her home at 705 Deacon Street? And I should ask
18 first if there is any discussion? Members, do we
19 have a motion?

20 MR. JACOBS: I'll make a motion to
21 approve.

22 MR. LAYTON: I'll second.

23 MR. STONER: All right. Call the roll.

24 Ms. Porter?

25 MS. PORTER: Yes.

1 MR. STONER: Mr. McFarland?

2 MR. MCFARLAND: Yes.

3 MR. STONER: Mr. Jacobs?

4 MR. JACOBS: Yes.

5 MR. STONER: Mr. Layton?

6 MR. LAYTON: Yes.

7 MR. STONER: Mr. Stoner is a yes.

8 (MOTION APPROVED.)

9 MR. STONER: We have a previously
10 tabled item, Karen Bailey had applied for a
11 conditional use to operate a bed and breakfast inn
12 for the property situated at 705 Deacon Street,
13 Hebron, 43025. And Ms. Bailey has submitted a
14 letter to withdraw this request, so no action is
15 needed.

16 So next we have the community
17 development report. Bonnie?

18 MS. MILLER: Does anybody have any
19 questions about it? It's kind of long.

20 MR. MCFARLAND: Bonnie, I had a couple,
21 and first of all I want to thank you. That is a
22 really extensive list. I recognize it's kind of
23 been ongoing but as a new member of the Board, it's
24 amazing how many things are going on here. I
25 guess, I'm looking at -- one of them said that --

1 I'm searching for it here now. Please, bear with
2 me -- that everything was completed with the
3 exception of the sidewalk.

4 MS. MILLER: Yes.

5 MR. MCFARLAND: Is that moving along?

6 MS. MILLER: Nothing has moved from
7 that. We still need to have the sidewalk.

8 MR. MCFARLAND: The owner is not
9 proceeding?

10 MS. MILLER: Not at this time. We are
11 going to have to open some action or try to somehow
12 move that forward.

13 MR. LAYTON: Did we give them a time
14 limit when we decided --

15 MS. MILLER: Let's make sure we are
16 talking about the same person.

17 MR. MCFARLAND: The same property.

18 MS. MILLER: The same address. Do you
19 have that address?

20 MR. MCFARLAND: I'm reaching for it.
21 Bear with me. Okay. Is there more than one where
22 we have a sidewalk issue?

23 MS. MILLER: Yes.

24 MR. LAYTON: There is four of them.

25 MR. MCFARLAND: Why don't we just take

1 a look at all four of them. All right.

2 MS. MILLER: All right. I don't have
3 that in front of me. I'm just going from
4 memorization, but I think I've got a handle on it.

5 MR. LAYTON: Did we put a time limit on
6 it when we told them they had to do the sidewalk?

7 MS. MILLER: Well, there is always a
8 time limit.

9 MR. STONER: I believe they are already
10 past the time limit.

11 MS. MILLER: Yes.

12 MR. STONER: So I think once we made
13 the rolling decision -- whatever you want to call
14 it -- we notified them, you know, because they came
15 in front of us and we ruled that they couldn't have
16 a variance. They did not have a sidewalk.

17 MS. MILLER: And before Linda resigned,
18 she told me that if they did not -- on Cumberland
19 Street, if they did not put a sidewalk in, they
20 were -- I was going to have to send them a code
21 violation.

22 MR. LAYTON: Okay. What we probably
23 ought to do is research and make sure that we
24 didn't offer them an extension of a period of time
25 to do it in, and if that's the case, then send them

1 a letter to remind them that if they don't do
2 anything, and then send the code violation. Does
3 that make sense?

4 MS. MILLER: Yes.

5 MR. STONER: It should be in the
6 minutes.

7 MR. LAYTON: Because I thought we maybe
8 gave them a certain period of time to get it done.

9 MR. STONER: I know they had one bid at
10 the time but it was probably more than they
11 expected. So I thought they were going to probably
12 get other bids. But I mean, no action has been
13 taken at this point.

14 Do you have additional questions?

15 MR. MCFARLAND: I just wanted to
16 briefly explore that. Forgive me, as a new member,
17 but my understanding is that -- and correct me if
18 I'm wrong -- my understanding is that when new
19 buildings are put in, they are required to put in a
20 driveway, and a sidewalk with an impervious
21 surface?

22 MS. MILLER: Correct.

23 MR. MCFARLAND: And it has been -- I'm
24 trying to understand the practice of giving
25 extensions. And, I guess, one of the questions I

1 would have, are these properties occupied
2 currently?

3 MS. MILLER: Yes.

4 MR. MCFARLAND: They are?

5 MS. MILLER: Yes.

6 MR. MCFARLAND: So we gave them an
7 occupancy permit without -- without them in full
8 compliance?

9 MS. MILLER: Correct.

10 MR. MCFARLAND: Okay.

11 MS. MILLER: And moving forward, that
12 will happen no more.

13 MR. MCFARLAND: Well, I'm going to
14 spare everybody the question as to why. Okay. We
15 don't need to go down that road tonight.

16 But the next question I have is what do
17 we have to get corrective action should the
18 property owners fail in either case to put in the
19 impervious surface for the driveway and the
20 sidewalk? Are we limited somehow or another? Are
21 we looking at court action somehow? What is our
22 remedy?

23 MR. MOSER: So Mr. McFarland, actually,
24 the Village is waiting for some information from me
25 right now, but yes, the ultimate answer is that any

1 violation of your zoning code qualify at least as a
2 minor misdemeanor and can be prosecuted. And we're
3 working on marshaling that out and really opening
4 up the -- should I say the flood gates, because we
5 have a lot of pending properties that haven't
6 gotten anywhere because of prosecution. And we're
7 going to change that.

8 MR. MCFARLAND: Okay.

9 MR. LAYTON: The problem is the
10 prosecutor's office wasn't doing anything with what
11 we sent them basically.

12 MR. MOSER: So there has been a lot of
13 cases and issues that have been stacked for some
14 time but we're working on it.

15 MR. MCFARLAND: I guess, what I'm doing
16 here in this process is to get it on the record
17 that we are taking action.

18 MR. MOSER: That's right.

19 MR. MCFARLAND: We have not in the past
20 because of extraneous circumstances; is that fair?

21 MR. MOSER: Fair.

22 MR. MCFARLAND: And that going forward,
23 we're beginning to put some effort into that and
24 correcting some areas of the process that have not
25 been performing; fair to say?

1 MR. MOSER: Correct.

2 MR. MCFARLAND: Okay. I don't think we
3 need to go any deeper into that at the moment. I
4 sense there's a story behind that that we don't
5 need to talk about tonight.

6 MR. STONER: Mike, if you don't mind.
7 Can I jump in for a second?

8 MR. MCFARLAND: Please.

9 MR. STONER: I just recalled something
10 from our previous meeting that are probably in the
11 minutes when Bonnie looked it up. They can't put
12 the sidewalk in until we move the drain. That was
13 part of the thing because we told them that night
14 when CJ did his review, that the earliest that we
15 could possibly move them would be September, and to
16 my knowledge he hasn't moved them yet.

17 MR. LAYTON: He has not. We'll have to
18 remind him to do that. So that's going to hold
19 them up. So that buys them some time basically.
20 But, hopefully they're working on getting their
21 estimates to proceed.

22 MR. MCFARLAND: Is that the Village
23 that's responsible for moving that drain?

24 MR. STONER: Yes.

25 MR. MCFARLAND: Okay.

1 MR. STONER: I know we said that to
2 them that night when we ruled against them. I
3 remember that much.

4 MR. MCFARLAND: Are you aware of that?

5 MR. TRUJILLO: Yes. I don't know what
6 the status is currently. I'm finding out right
7 now.

8 MR. MCFARLAND: As you're desperately
9 using your thumbs on the phone.

10 MR. STONER: Any other questions, Mike?

11 MR. MCFARLAND: I think that's it.

12 Thank you.

13 MR. STONER: Okay. Annelle?

14 MS. PORTER: I do have a question.

15 Under development, it shows that the baby pantry is
16 still under construction.

17 MS. MILLER: Correct.

18 MS. PORTER: What is -- the building
19 looks kind of finished to me. I haven't been
20 inside.

21 MS. MILLER: They are currently working
22 on the inside.

23 MR. LAYTON: I can answer that. When
24 they decided to build the building, they were
25 concerned that the price of product was going to go

1 up and availability of the product would be hard.
2 So they decided to build the shell and come in
3 later and finish the inside. So they wanted to do
4 that because they wanted to get the material at a
5 good price.

6 So that's what they did, they put the
7 outside up, now as they get the money and continue
8 on they will finish the inside. Considering how
9 things ended up, there was a real material issue,
10 trying to get the materials to build that.

11 MS. PORTER: And the next one I
12 would -- thank you -- the next thing I would like
13 to address is the Hebron Mini Storage at 820 East
14 Main. How many more are we going to see? I see
15 that there is earth being moved on North High
16 Street. I think it just happened today.

17 MS. MILLER: I would refer to John on
18 this. Hopefully he can answer that question.

19 MS. PORTER: Because this is just
20 getting to be a mini storage capital of central
21 Ohio.

22 MR. STONER: There shouldn't be anymore
23 other than what we approved.

24 MR. TRUJILLO: Correct. I think they
25 are -- at that property currently they are in

1 negotiations to sell the adjacent property for
2 development and they are looking to change some
3 zoning. So some of that development will come to
4 the Zoning Board. I do believe on the -- they are
5 going to do a lot split. So that southern portion
6 next to the storage units, I believe they are
7 looking at requesting more storage going in there,
8 but we changed the rules for that. I believe it's
9 still -- the last time I looked at it, it was zoned
10 general commercial. So they would not be allowed
11 to put any storage structures in there.

12 MR. LAYTON: Remember, we switched it
13 so that storage structures only fit in
14 manufacturing, right.

15 MS. PORTER: I don't know. I can't
16 agree or disagree with you, but I do know that
17 there is certainly a lot of storage.

18 MR. LAYTON: We did that because of
19 that to slow it down. You are right. We were
20 becoming the storage capital of the world.

21 MR. MCFARLAND: If I may, one of the
22 things that I've learned in a prior employment was
23 that -- and I'll just share this with you for the
24 moment. One of the things that happens in
25 communities -- David, you have been around it quite

1 a bit, perhaps you can validate or invalidate what
2 I'm saying.

3 I learned when they first start
4 building these storage units and stuff, you usually
5 find them somewhere within easy access from a large
6 apartment complex. What happens is that the people
7 who have stuff, when they move into an apartment,
8 they continue to have stuff, and a lot of times
9 they don't want to dispose of it. And the
10 developers found out that it was quite profitable
11 to build storage units, essentially extra closets
12 for people nearby.

13 So one of the things we can keep in
14 mind is that if and when this body approves
15 additional apartment buildings and things, there
16 may very well be the storage units coming right
17 behind them.

18 They also found that in purchasing
19 ground to put those storage units on nearby
20 apartments, if the apartments go very well and they
21 end up with needing to build more, then they tear
22 down some of the storage sheds because the storage
23 facilities have been paying for that property
24 nearby and they can make it much more valuable by
25 tearing down the storage sheds and building more

1 apartments.

2 So as we see apartments coming to our
3 community -- and we were talking just before the
4 meeting started about Rick Platt, the director and
5 CEO of the Port Authority, was quoted in one of his
6 articles as saying that the communities need to
7 embrace, if you will, apartments going forward.
8 And he felt that most small communities were in
9 opposition on apartments because of various reasons
10 and historical issues. He said that needs to
11 change.

12 Now, what impact that will have, I
13 don't know, but anyway the bottom line -- having
14 said too many words -- the bottom line is that what
15 I learned over the years when I was in Dublin and
16 other places, as the apartment buildings go in, you
17 will see somewhere within a mile or so -- you will
18 see a press for storage buildings.

19 MR. LAYTON: Mike, what we were doing
20 was they would come in and say general commercial,
21 we want a variance to make it so we can put storage
22 buildings in. Well, we eliminated that. Storage
23 buildings go in manufacturing now, and as long as
24 we don't change the zoning on a piece of property
25 then the only place they will be is in

1 manufacturing.

2 MR. MCFARLAND: That's great.

3 MR. TRUJILLO: Correct. And I was
4 going to make that statement, too. And the way
5 that manufacturing property has been priced lately,
6 it won't be a very easy sell to make that storage.

7 MR. MCFARLAND: It would have to be a
8 \$1,500 a month closet to make it work.

9 MR. LAYTON: You got no employees. So
10 you got no income tax. They don't buy water and
11 they couldn't buy sewer. I mean, it's not
12 advantageous to have a lot of them.

13 MR. MCFARLAND: Yeah. Thank you, sir.

14 MR. STONER: Annelle, anything else
15 from you?

16 MS. PORTER: I don't know what the
17 address is but it's on South Main. Yeah, there was
18 a house built behind a house that the last time I
19 saw it was still existing, and there was an
20 extension granted for the demolition of the
21 original house. Has that house disappeared?

22 MS. MILLER: On South High?

23 MS. PORTER: Uh-huh.

24 MS. MILLER: Yes. The demolition
25 process has started. The contractor has been

1 hired. They are currently working on it. And
2 actually the extension is up tomorrow.

3 MS. PORTER: I knew it was --

4 MS. MILLER: Yeah. But he is working
5 on it.

6 MR. LAYTON: I went by and they were
7 taking stuff out of it and they got a dumpster up
8 there and so it looks like they are working on it.

9 MS. MILLER: It's actively being worked
10 on.

11 MS. PORTER: Good. I hope he has plans
12 to finish it. That has been hanging fire for a
13 long time. That's more time than I would have
14 granted.

15 MR. STONER: Mr. Jacobs, anything from
16 you?

17 MR. JACOBS: No, I'm good.

18 MR. STONER: All right. I have two
19 things. First question, is the house on Cumberland
20 where we are talking about the sidewalks that also
21 doesn't have the driveway?

22 MS. MILLER: Correct.

23 MR. STONER: Any movement on that?

24 MS. MILLER: Linda also told me
25 separately the same address but separately send a

1 code violation because their time is way up.

2 MR. LAYTON: There is something about
3 that driveway. They are waiting to do the sidewalk
4 and the driveway at the same time. There was
5 something about that.

6 MS. MILLER: That was the intent
7 initially, but the time is up for a driveway.

8 MR. STONER: And question for you John,
9 I noticed on the stormwater thing it says that they
10 are working on the Hamilton Avenue drainage issues.

11 MR. MCFARLAND: Rick, I'm not hearing
12 you out of your microphone.

13 MR. STONER: I noticed that you guys
14 are working on the Hamilton Avenue drainage issues.
15 How is that coming?

16 MR. TRUJILLO: It's good. They have
17 looked at -- through the survey that was done, and,
18 I guess, they borrowed some prior knowledge from
19 Rookie and they found where the drains are going to
20 I guess on both ends. And I think most of it is
21 actually -- you know, there is blockages. So the
22 repair side of it is done. As far as, new catch
23 basins or anything associated with new construction
24 on it, I think they are still looking at that to
25 see if it's needed.

1 MR. STONER: So is the plan still to go
2 down Warden Street and across the property?
3 Because that was the last I heard. They were going
4 to go across for that.

5 I forget the name -- who is the new
6 neighbor down there? Do you remember the name?

7 MR. LAYTON: I think that's still the
8 plan because that's the way the water goes.
9 There's like a split there.

10 MR. STONER: Because they supposedly
11 did agree to let us do that because the water is
12 not going anywhere if you don't get it back across
13 that property.

14 MR. TRUJILLO: I think we still need an
15 easement for it.

16 MR. STONER: I just wanted to see how
17 it was getting along. Okay. Anyone else have
18 anything? All right. The next regularly scheduled
19 meeting is on November 7 at 6:30. Before I ask for
20 a motion to adjourn, I want to let you know,
21 Ms. Bailey, that Bonnie will be working with you
22 now that we've approved your conditional use.

23 MS. BAILEY: Great.

24 MR. STONER: I skipped that part.
25 Motion to adjourn?

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MR. JACOBS: So moved.
MR. STONER: All right.
MS. PORTER: Second.
MR. STONER: Ms. Porter?
MS. PORTER: Yes.
MR. STONER: Mr. McFarland?
MR. MCFARLAND: Yes.
MR. STONER: Mr. Jacobs?
MR. JACOBS: Yes.
MR. STONER: Mr. Layton?
MR. LAYTON: Yes.
MR. STONER: Mr. Stoner is yes.

(MOTION APPROVED.)

- - -

(Thereupon, the hearing adjourned at 6:55 p.m.)

- - -

CERTIFICATE

- - -

I do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me in this matter on Monday, October 3, 2022, and carefully compared with my original stenographic notes.

Date this Transcript certified

Rebecca A. Gause,
Notary Public in and
for the State of Ohio.

My Commission expires May 21, 2024.

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\$1,500 [1] 17/8	apartments [6] 15/20 15/20 16/1 16/2 16/7 16/9	buys [1] 11/19
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2022 [4] 1/6 2/2 2/24 22/6	approve [4] 2/23 4/14 4/15 4/21	call [5] 2/4 2/7 4/1 4/23 7/13
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740 [1] 1/24	Authority [1] 16/5	CERTIFICATE [1] 22/1
8	availability [1] 13/1	certified [1] 22/11
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A	baby [1] 12/15	changed [1] 14/8
about [7] 5/19 6/16 11/5 16/4 18/20 19/2 19/5	back [1] 20/12	circumstances [1] 10/20
Abstain [1] 3/8	Bailey [3] 5/10 5/13 20/21	CJ [1] 11/14
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acknowledges [1] 2/22	basically [2] 10/11 11/19	closets [1] 15/11
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additional [2] 8/14 15/15	becoming [1] 14/20	Commission [1] 22/14
address [5] 6/18 6/19 13/13 17/17 18/25	bed [1] 5/11	communities [3] 14/25 16/6 16/8
adjacent [1] 14/1	been [12] 5/23 8/12 8/23 10/12 10/13 10/25 12/19 14/25 15/23 17/5 17/25 18/12	community [2] 5/16 16/3
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against [1] 12/2	being [2] 13/15 18/9	compliance [1] 9/8
agenda [1] 3/18	believe [4] 7/9 14/4 14/6 14/8	concerned [1] 12/25
agree [2] 14/16 20/11	bid [1] 8/9	conditional [4] 3/19 4/15 5/11 20/22
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ALLEGIANCE [1] 2/11	bit [1] 15/1	Considering [1] 13/8
allowed [1] 14/10	blockages [1] 19/21	construction [2] 12/16 19/23
along [2] 6/5 20/17	BOARD [5] 1/2 1/12 2/22 5/23 14/4	continue [2] 13/7 15/8
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